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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/582,434

06/09/2006

Li Yadong

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DICKSTEIN SHAPIRO LLP

1633 Broadway

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EXAMINER

FONSECA, JESSIE T

ART UNIT

PAPER NUMBER

3633

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Interview Summary	Application No. 10/582,434	Applicant(s) YADONG, LI	
	Examiner JESSIE FONSECA	Art Unit 3633	

All participants (applicant, applicant's representative, PTO personnel):

(1) JESSIE FONSECA. (3) Richard LaCava.

(2) Robert Canfield. (4) ____.

Date of Interview: 1/20/10 & 1/25/10.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____.

Claim(s) discussed: 1 and 2.

Identification of prior art discussed: Moriau et al. '836.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

/J. F./ Examiner, Art Unit 3633	/Robert J Canfield/ for D. Dunn, SPE of Art Unit 3633
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Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The 112 1st paragraph rejection of claim 1 was discussed. Mr. LaCava agreed to amend the claims to recite the overlap of the upper surface of the slot mortise and tenon to be within the specific range of 1-2mm. Further, Mr. LaCava agreed to amend claim 1 to recite the overlapping occurs "prior to deflection". Examiners submitted the above noted changes would appear to overcome the 112 1st paragraph rejection. The prior art rejection to Moriau et al. was discussed. Mr. LaCava argued that Moriau et al. discloses the lower surface of the slot mortise experiences deflection as the tenon is inserted into the slot mortise as shown in figure 25 and that the Moriau et al. reference fails to disclose the specific overlapping range of 1-2 mm prior to deflection. Examiners indicated that the reference of Moriau et al. would need to be further reviewed and that Examiner Fonseca will contact Applicant's representative upon completion of the review.

On 1/25/10, Examiner Fonseca and Mr. LaCava further discussed the reference of Moriau et al. Examiner submitted the panels of Moriau et al. would include some overlap of the upper surface of the slot mortise and tenon. Examiner noted the embodiments of figures 6-7 shows an overlapping without deflection of the lower surface of the slot mortise. Examiner submitted the embodiment of figs. 6-7 includes reference numerals corresponding with the embodiments of figures 22-25 and that features/characteristics can be combined (col. 12, lines 48-52). Examiner further noted Moriau et al. discloses the shaping of the tenon (9) by the presence of chamfer becomes situated from the "substantial contact of the panels" under the lower side of the lower lip (42) when pushed towards each other (col. 12, lines 13-19). Examiner noted from a Physics perspective, the deflection of the of the lower lip is a result of the tenon being inserted into the slot mortise when installed laterally (col. 9, line 64 - col. 10, line 9). As the intention of Moriau et al. is to avoid the front extremity of the tenon (9) from making contact with the upper lip (42) and the panels being capable of being installed laterally, it was the Examiner's position that a portion of the tenon would be inserted into the slot mortise prior to deflection as the only force applied by the installer is a force in the plane of insertion. Examiner submitted in order for the panels to be installed in a lateral manner, a portion of the tongue must be inserted in the slot mortise prior to deflection as it is the leverage of the tongue and upper surface of the slot mortise which causes the deflection of the lower surface of the slot mortise.

Mr. LaCava noted the reference did not explicitly indicate that overlapping occurred prior to deflection of the lower surface of the slot mortise. Mr. LaCava submitted that even if it could be argued Moriau et al. discloses an overlap, the reference of Moriau et al. fails to disclose the claimed overlapping range of 1-2mm. The criticality of the claimed range was discussed. Mr. LaCava indicated the claimed range provides a fracture proof floorboard strip when installed laterally, which Moriau et al. doesn't recognize. Examiner noted the panels of Moriau et al. would perform in a similar manner to applicant's claimed floorboards and that it would have been an obvious matter of design choice to provide a tenon front extremity that overlaps the tenon 1-2 mm in order to avoid damage to the tenon, as desired by Moriau et al. Mr. LaCava indicated the arguments directed to the criticality of the overlapping range of 1-2mm would be submitted in response to the Non-Final rejection. Examiner will consider applicant's arguments upon receipt.